UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,204	09/18/2000	Nathan F. Raciborski	19396-000200US	4087

		EXAMINER
7590	03/15/2005	BAUGH, APRIL L

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ART UNIT	PAPER NUMBER
2141	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
(Office Action Summary	09/665,204	RACIBORSKI ET AL.
	Examiner	Art Unit
	April L Baugh	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4 and 6-20* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4 and 6-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claims 1, 2, 4, and 6-20 are pending.

1.   Applicant's request for reconsideration of the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

1.   Applicant's arguments with respect to claims 1, 7, and 14 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claim 7-8 and 10-11 rejected under 35 U.S.C. 102(e) as being unpatentable by US Patent

No. 6,003,030 to Kenner et al.

Regarding claim 7, Kenner et al. teaches a system for distributing content to a client

computer, comprising: a content object (fig.1, reference 22, and column 7, lines 5-9); a first

content cache at a first address, wherein the first content cache comprises a first copy of the content object; a second content cache at a second address, wherein the second content cache comprises a second copy of the content object (fig. 1 and abstract and column 7, lines 17-29); and a user-viewable directory that maps one of the first copy, and the second copy to the client computer (column 5, lines 42-67 and column 12, lines 26-29 and column 13, lines 15-32).

Referring to claim 8, Kenner et al. teaches the system for distributing content to the client computer as recited in claim 7, further comprising a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address (column 12, lines 26-30 and column 13, lines 15-32).

Referring to claim10, Kenner et al. teaches the system for distributing content to the client computer as recited in claim 7, further comprising a routing mechanism that maps one of the content object, the first copy and the second copy to the client computer (abstract and column 5, lines 42-67).

Referring to claim 11, Kenner et al. teaches the system for distributing content to the client computer as recited in claim 7, further comprising a server comprising a content object (fig. 1, reference 22, and column 7, lines 5-9).

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-2 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent

No. 6,003,030 to Kenner et al. in view of Knauerhase et al. (US 6,345,303)

Regarding claim 1, Kenner et al. teaches a system for distributing content to a client

computer, comprising: a server comprising a content object (fig.1, reference 22, and column 7,

lines 5-9); a first content server at a first address, wherein the first content server comprises a

first copy of the content object; a second content server at a second address, wherein the second

content server comprises a second copy of the content object (fig.1 and abstract and column 7,

lines 17-29); a preference list originating from the client computer, wherein the preference list

comprises at least one of the first address and the second address (column 5, lines 42-59 and

column 12, lines 26-29 and column 13, lines 15-32).

Kenner et al. does not teach a directory located remote to the client computer, wherein

the directory maps at least one of the content object, the first copy, and the second copy to the

client computer, wherein the directory is affected by the preference list. Knauerhase et al. teaches

a directory located remote to the client computer, wherein the directory maps at least one of the

content object, the first copy, and the second copy to the client computer, wherein the directory

is affected by the preference list (fig.2 and column 1, lines 54-62 and column 6, line 62-column

7, line 33 and column 7, lines 39-46). Therefore it would have been obvious to one of ordinary

skill in the art at the time the invention was made to further modify the system for optimized

storage and retrieval of data on a distributed computer network of Kenner et al. by a directory

located remote to the client computer, wherein the directory maps at least one of the content

object, the first copy, and the second copy to the client computer, wherein the directory is

affected by the preference list because the users preference list is based on optimizing and

balancing the load of the system therefore by the directory taken this information into account when mapping the client to the content this further assist in optimizing system load.

Referring to claim 9, Kenner et al. teaches the system for distributing content to the client computer as recited in claim 8 (column 5, lines 41-59 and column 12, lines 26-29 and column 13, lines 15-32).

Kenner et al. does not teach wherein the directory is affected by the preference list. Knauerhase et al. teaches wherein the directory is affected by the preference list (column 1, lines 54-62 and column 6, line 62-column 7, line 10 and column 7, lines 17-21 and 25-27). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for optimized storage and retrieval of data on a distributed computer network of Kenner et al. by wherein the directory is affected by the preference list because the users preference list is based on optimizing and balancing the load of the system therefore by the directory taken this information into account when mapping the client to the content this further assist in optimizing system load.

Referring to claim 2, Kenner et al. teaches the system for distributing content to the client computer as recited in claim 1, further comprising a routing mechanism that maps one of the content object, the first copy and the second copy to the client computer (abstract and column 5, lines 41-67).

3.   Claims 13-15, 17, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,003,030 to Kenner et al. in view of Li (US 6,799,214)

Regarding claim 14, Kenner et al. teaches a system for distributing content to a client computer, comprising: a content object (fig. 1, reference 22, and column 7, lines 5-9); a first content cache at a first address, wherein the first content cache comprises a first copy of the object; a second content cache at a second address, wherein the second content cache comprises a second copy of the object (fig. 1 and abstract and column 7, lines 17-29); and a routing mechanism that maps one of the object, the first copy, and the second copy to the client computer (abstract and column 5, lines 42-67).

Kenner et al. does not teach a content object comprising a portion. Li teaches a content object comprising a portion; a first content cache at a first address, wherein the first content cache comprises a first copy of the portion; a second content cache at a second address, wherein the second content cache comprises a second copy of the portion (abstract and column 6, lines 5-8 and 15-20 and column 8, line 58-column 8, line10 and column 9, lines 36-46). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for optimized storage and retrieval of data on a distributed computer network of Kenner et al. by a content object comprising a portion; a first content cache at a first address, wherein the first content cache comprises a first copy of the portion; a second content cache at a second address, wherein the second content cache comprises a second copy of the portion because based on transfer speed certain caches may not be able to deliver the full content object or large portions of the content without burdening the system therefore the content may have to be delivered in portions from various caches and reassembled at the client for a more optimized system.

Regarding claim 13, Kenner et al. teaches the system for distributing content to the client

computer as recited in claim11 (fig.1, reference 22, and column 7, lines 5-9).

Kenner et al. does not teach the content object comprises a first portion and a second

portion. Li teaches wherein: the content object comprises a first portion and a second portion; the

first portion is stored on the first content cache and not on the second content cache; and the

second portion is stored on the second content cache and not on the first content cache (abstract

and column 6, lines 5-8 and 15-20 and column 8, line 58-column 8, line10 and column 9, lines

36-46). Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to further modify the system for optimized storage and retrieval of data on a

distributed computer network of Kenner et al. by wherein: the content object comprises a first

portion and a second portion; the first portion is stored on the first content cache and not on the

second content cache; and the second portion is stored on the second content cache and not on

the first content cache because based on transfer speed certain caches may not be able to deliver

the full content object or large portions of the content without burdening the system therefore the

content may have to be delivered in portions from various caches and reassembled at the client

for a more optimized system.

Referring to claim15, Kenner et al. teaches the system for distributing content to the

client computer as recited in claim14, further comprising a preference list originating from the

client computer, wherein the preference list comprises at least one of the first address and the

second address (column 5, lines 42-59 and column 12, lines 26-29 and column 13, lines 15-32).

Referring to claim17, Kenner et al. teaches the system for distributing content to the

client computer as recited in claim14, further comprising a server that comprises the content

object (fig.1, reference 22 and column 7, lines 5-9).

Regarding claim 20, Kenner et al. teaches the system for distributing content to the client

computer as recited in claims 14, wherein the routing mechanism includes a directory (column 5,

lines 42-67 and column 8, lines 18-34).

4.   Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.

6,003,030 to Kenner et al. in view of Knauerhase et al. (US 6,345,303) as applied to claims 1-2

and 9 above, and further in view of Prasad et al. (US 6,539,381)

Regarding claim 4, Kenner et al. in view of Knauerhase et al. teaches the system for

distributing content to the client computer as recited in claim 1 (abstract and column 5, lines 42-

67 of Kenner et al.).

Kenner et al. in view of Knauerhase et al. does not teach wherein the server periodically

delivers a catalog of content objects to the directory. Prasad et al. teaches wherein the server

periodically delivers a catalog of content objects to the directory (column 8, lines 6-20).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention

was made to further modify the system for optimized storage and retrieval of data on a

distributed computer network of Kenner et al. in view of Knauerhase et al. by wherein the server

periodically delivers a catalog of content objects to the directory because the directory must be

aware of which caches contain what content to be able to make an accurate decision of which

cache will deliver the content to the client.

5.   Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.

6,003,030 to Kenner et al. in view of Knauerhase et al. (US 6,345,303) as applied to claim 1-2

and 9 above, and further in view of Li (US 6,799,214)

Regarding claim 6, Kenner et al. in view of Knauerhase et al. teaches the system for

distributing content to the client computer as recited in claim 1 (abstract and column 5, lines 42-

67 of Kenner et al.).

Kenner et al. in view of Knauerhase et al. teaches wherein: the content object comprises a

first portion and a second portion; the first portion is stored on the first content cache and not on

the second content cache; and the second portion is stored on the second content cache and not

on the first content cache. Li teaches wherein: the content object comprises a first portion and a

second portion; the first portion is stored on the first content cache and not on the second content

cache; and the second portion is stored on the second content cache and not on the first content

cache (abstract and column 6, lines 5-8 and 15-20 and column 8, line 58-column 8, line10 and

column 9, lines 36-46). Therefore it would have been obvious to one of ordinary skill in the art at

the time the invention was made to further modify the system for optimized storage and retrieval

of data on a distributed computer network of Kenner et al. in view of Knauerhase et al. by

wherein: the content object comprises a first portion and a second portion; the first portion is

stored on the first content cache and not on the second content cache; and the second portion is

stored on the second content cache and not on the first content cache because based on transfer

speed certain caches may not be able to deliver the full content object or large portions of the

content without burdening the system therefore the content may have to be delivered in portions

from various caches and reassembled at the client for a more optimized system.

6.   Claim12 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.

6,003,030 to Kenner et al. in view of Prasad et al. (US 6,539,381)

Regarding claim12, Kenner et al. teaches the system for distributing content to the client

computer as recited in claim 11 (abstract and column 5, lines 42-67).

Kenner et al. does not teach wherein the server periodically delivers a catalog of content

objects to the directory. Prasad et al. teaches wherein the server periodically delivers a catalog of

content objects to the directory (column 8, lines 6-20). Therefore it would have been obvious to

one of ordinary skill in the art at the time the invention was made to further modify the system

for optimized storage and retrieval of data on a distributed computer network of Kenner et al. by

wherein the server periodically delivers a catalog of content objects to the directory because the

directory must be aware of which caches contain what content to be able to make an accurate

decision of which cache will deliver the content to the client.

7.   Claims 16 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent

No. 6,003,030 to Kenner et al. in view of Li as applied to claims 13-15, 17, and 20 above, and

further in view of Knauerhase et al. (US 6,345,303).

Referring to claim 16, Kenner et al. in view of Li teaches the system for distributing

content to the client computer as recited in claim 15 (abstract and column 5, lines 42-67 of

Kenner et al.).

Kenner et al. in view of Li does not teach wherein the directory is affected by the preference list. Knauerhase et al. teaches wherein the directory is affected by the preference list (column 6, line 62-column 7, line 10 and column 7, lines 17-20 and 25-27). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for optimized storage and retrieval of data on a distributed computer network of Kenner et al. in view of Li by wherein the directory is affected by the preference list because the users preference list is based on optimizing and balancing the load of the system therefore by the directory taken this information into account when mapping the client to the content this further assist in optimizing system load.

Regarding claim 19, Kenner et al. in view of Li teaches the system for distributing content to the client computer as recited in claim 16, wherein: the content object comprises a first portion and a second portion; the first portion is stored on the first content cache and not on the second content cache; and the second portion is stored on the second content cache and not on the first content cache (abstract and column 6, lines 5-8 and 15-20 and column 8, line 58-column 8, line10 and column 9, lines 36-46 of Li).

8.   Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,003,030 to Kenner et al. in view of Li as applied to claims 13-15, 17, and 20 above, and further in view of Prasad et al. (US 6,539,381)

Regarding claim 18, Kenner et al. in view of Li teaches the system for distributing content to the client computer as recited in claim17 (abstract and column 5, lines 42-67 of Kenner et al.).

Kenner et al. in view of Li does not teach wherein the server periodically delivers a catalog of content objects to the directory. Prasad et al. teaches wherein the server periodically delivers a catalog of content objects to the directory (column 8, lines 6-20). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for optimized storage and retrieval of data on a distributed computer network of Kenner et al. in view of Li by wherein the server periodically delivers a catalog of content objects to the directory because the directory must be aware of which caches contain what content to be able to make an accurate decision of which cache will deliver the content to the client.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to content distribution networks in general: Rune, Gifford, Emens et al., Black et al., Yu, Smith et al., Elledge, Jennings, III et al. and Christensen et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 571-272-3877. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

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SUPERVISORY PATENT EXAMINER